

**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department  
**DATE:** June 13, 2017

**RE:** **CASE #CU-17-002**  
**REQUEST:** A conditional use permit to allow day care services in an R-1/Single Family Residential District.

**APPLICABLE**

**CODE SECTIONS:** §15.08B.030 Conditional Uses. The following conditional uses shall be permitted in an R-1 District, in accordance with the requirements set forth in Chapter 15.27:  
02. Day care services

**LOCATION:** 2444 North Broadway, Council Bluffs, Iowa 51503

**LEGAL**

**DESCRIPTION:** Lot 1, Auditor's Subdivision of the SE1/4 NW1/4 and Lot 1, Auditor's Subdivision of the SW1/4 NW1/4 along with Lot 12, except the North 10 feet thereof, and Lot 13, Auditor's Subdivision of the NE1/4 NW1/4, lying West of Indian Creek, all in Section 19-75-43, City of Council Bluffs, Pottawattamie County, Iowa.

**APPLICANT:** Emanuel Lutheran Church, 2444 North Broadway, Council Bluffs, IA 51503

**REPRESENTED BY:** Roger Doehling, LYNC Architecture, LLC, 16360 Riggs Street, Omaha, NE 68135

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**BACKGROUND** – The Community Development Department has received an application from Emanuel Lutheran Church, represented by Roger Doehling of LYNC Architecture, LLC, for a conditional use permit to allow 'day care services' in an R-1/Single Family Residential District on property legally described above. The subject property is comprised of 5.37 acres of land and is the home of Emanuel Lutheran Church.

A letter of intent discussing the number of children, hours of operation, employees, off-street parking and services for the proposed day care service was submitted by the applicant and is included with this report as Attachment 'A'. A floor plan of the day care and a site plan of the property are also included with this report as Attachments 'B' and 'C'. In summary, the day care will be licensed facility through the State of Iowa and will provide childcare services for children ages six month to four years old. The day care will be located on the main floor of the church building and will operate Monday through Friday from 6:30 a.m. to 6:30 p.m. An outdoor play area will be set-up on the east side of the building away from all adjacent property lines. Staffing will consist of a maximum of eight full-time and part-time employees. All staff members will park on a paved lot located immediately west of the building. Parents will use an existing 55-stall parking lot on the east side of the property to drop-off and pick-up their children. No exterior signage for the day care is proposed at this time.



The following exhibit shows the existing conditions of the subject property and the surrounding area.

[illegible]

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet were notified of the conditional use permit request. No adverse comments have been received as of the date of this report. The Community Development Department received an email from Mr. Mark Anderson, Vice-President of Midlands Living Center, which stated their organization fully supports the conditional use permit request and that the day care will benefit the employees working at their facility.



## COMMENTS

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

- 1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use.** The subject property exceeds the minimum R-1/ Single-Family Residential District lot size requirements and is adequate for the operation of a day care facility.
- 2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided.** An existing place of religious assembly (Emanuel Lutheran Church) is located on the subject property. No utility service extensions and/or infrastructure upgrades are necessary for a daycare service to operate at this location.
- 3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.** The subject property has access to North Broadway. No additional access improvements are necessary for the proposed request.
- 4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property.** The day care facility shall be licensed through the State of Iowa – Department of Human Services and shall comply with all applicable City, State and Federal regulations. All construction plans for the day care shall comply with all applicable building and fire codes. Any exterior signage for the day care shall comply with the standards stated in Section 15.33, *Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance).
- 5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties.** No exterior lighting is proposed with this request. Any future exterior lighting shall comply with the standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Municipal Code (Zoning Ordinance).
- 6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located.** The proposed day care will be located within an existing place of religious assembly (Emanuel Lutheran Church) and in an area of the City that contains a mixture of commercial and residential land uses. The proposed day care is compatible with all surrounding land uses and will not have a negative impact on the development of the neighborhood.

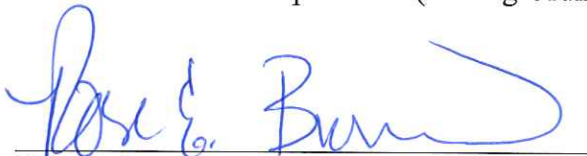
**7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures.** No new outdoor construction, landscaping or screening is proposed at this time. Any future fences or screen walls on the subject property shall comply with standards stated in Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).

**8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.** The proposed day care will be located within an existing place of religious assembly (Emanuel Lutheran Church). The proposed day care will operate as an ancillary use to the church and will not increase the footprint of the building or the intensity of the site. If operated properly, the day care facility should not negatively impact the current valuation of the surrounding properties.

### **RECOMMENDATION**

The Community Development Department recommends approval of a conditional use permit to allow day care services in an R-1/Single Family Residential District on property located at 2444 North Broadway, as legally described above, subject to the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. The number of children and employees at the day care shall comply with the regulations of the State of Iowa – Department of Human Services.
3. The hours of operation for the day care shall be Monday through Friday, 6:30 a.m. to 6:30 p.m.
4. The outdoor play area shall be restricted to within the boundary of the applicant's property.
5. All construction plans for the day care shall comply with all applicable building and fire codes.
6. All exterior signage for the day care shall comply with Section 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).



Rose E. Brown, AICP  
Planning Coordinator



Christopher N. Gibbons, AICP  
Planner

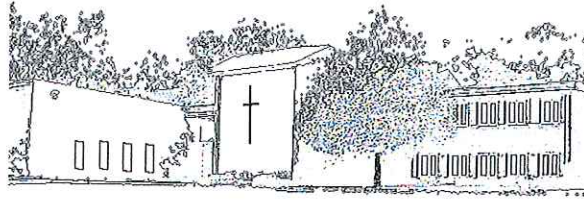
**Attachment A:** Letter of intent

**Attachment B:** Floor plan of the proposed day care

**Attachment C:** Site plan of the subject property

**Attachment D:** Location/zoning map





# EMANUEL LUTHERAN CHURCH, ELCA

*Forgiven by grace, serving by Faith*

May 23, 2017

To: Zoning Board of Adjustment  
City of Council Bluffs, Iowa  
209 Pearl Street  
Council Bluffs, Iowa 51503

From: Emanuel Lutheran Church

Emanuel Lutheran Church seeks a Conditional Use Permit for the opening and operation of a licensed Daycare facility on the church premises. The congregation has engaged in a feasibility study for the proposed Daycare and has discerned a significant need for such a service in the neighborhood and surrounding community. The congregation desires to serve that need and has both the space and resources to respond to that identified community need.

The primary functions of the congregation currently are worship, education, service and administration. Those activities take place primarily on weekday evenings from 6:30 to 9:30 p.m. and on Sundays from 7 a.m. to 3 p.m.

The primary function of the Daycare will be childcare for children from six months of age to 48 months of age. The hours of operation will be Monday through Friday from 6:30 a.m. to 6:30 p.m. For the most part, the primary service provision of these two functions will not necessarily be happening at the same time, and parking use will be most intensive in the evening and weekend services as currently functioning.

The Daycare plans to initially serve twenty five children. That number will likely grow to thirty. At that point the Daycare will reach the service capacity allowed by the licensure of the facility. The congregation has no plans to grow the Daycare beyond that number at this point. Staff for the Daycare will initially number five full and part time employees. Staff could be as many as eight full and part time employees. Employees will park in the upper (west) lot of the church property.

The Daycare will be located on the main level of the church facility. Parents and other responsible parties will drop off children in the lower (east) parking lot. The lower parking lot has fifty-five parking stalls, eight of which are designated as handicapped parking stalls.

Emanuel Lutheran Church respectfully requests consideration of and approval of a Conditional Use Permit for the Daycare in our facility.

**Emanuel Lutheran Church**